

12. **2007SP-064U-14**
Price's Collision Center
Map 096-01, Parcel 010
Subarea 14 (2004)
Council District 15 - J. B. Loring

A request to change the zoning from CS to SP on property located at 2730 Lebanon Pike, approximately 260 feet west of Old Lebanon Pike, to permit an "automobile repair" use and all other uses permitted by the CS zoning district and for final SP approval of same (1.49 acres), requested by Johnny Harwell of Harwell Motor Company Inc., owner.

STAFF RECOMMENDATION: Approve Preliminary Specific Plan with Conditions, Disapprove. the request to waive the requirement to submit a final site plan.

APPLICANT REQUEST - A request to change the zoning from Commercial Service (CS) to Specific Plan (SP) on property located at 2730 Lebanon Pike, approximately 260 feet west of Old Lebanon Pike, to permit an "automobile repair" use and all other uses permitted by the CS zoning district and for final SP approval of same (1.49 acres).

Existing Zoning

CS District -Commercial Service is intended for retail, consumer service, financial, restaurant, office, self-storage, light manufacturing, and small warehouse uses.

Proposed Zoning

SP District - Specific Plan is a zoning district category that provides for additional flexibility of design, including the relationship of buildings to streets, to provide the ability to implement the specific details of the General Plan.

- The SP District is a new base zoning district, not an overlay. It will be labeled on zoning maps as "SP."
- The SP District is not subject to the traditional zoning districts' development standards. Instead, urban design elements are determined **for the specific development** and are written into the zone change ordinance, which becomes law.
- Use of SP **does not** relieve the applicant of responsibility for the regulations/guidelines in historic or redevelopment districts. The more stringent regulations or guidelines control.
- Use of SP **does not** relieve the applicant of responsibility for subdivision regulation and/or stormwater regulations.

DONELSON/OLD HICKORY COMMUNITY PLAN

Mixed Use (MxU) in Community Center (CC) - MU is intended for buildings that are mixed horizontally and vertically. The latter is preferable in creating a more pedestrian-oriented streetscape. This category allows residential as well as commercial uses. Vertically mixed-use buildings are encouraged to have shopping activities at street level and/or residential above.

CC is intended for dense, predominantly commercial areas at the edge of a neighborhood, which either sits at the intersection of two major thoroughfares or extends along a major thoroughfare. This area tends to mirror the commercial edge of another neighborhood forming and serving as a "town center" of activity for a group of neighborhoods. Appropriate uses within CC areas include single- and multi-family residential, offices, commercial retail and services, and public benefit uses. An Urban Design or Planned Unit Development overlay district or site plan should accompany proposals in these policy areas, to assure appropriate design and that the type of development conforms with the intent of the policy.

Consistent with Policy? The proposed zone change to SP will allow for an auto repair use, now located across Donelson Pike, to relocate to this property. The property is currently used for new and used auto

sales. The proposed use will retain the existing buildings and is not substantially different in nature from the existing use.

PLAN DETAILS

Site Plan - The property is currently used for new and used auto sales. The proposed use is for an auto repair business which is relocating from across Lebanon Pike. The intention is to use the existing building with minor modifications to the east side. The doors will be replaced with overhead, roll-up doors to allow for auto entry. A six foot wooden fence is proposed to extend along the east property line for the length of the existing building.

The proposed uses include automobile sales, leasing, rental and repairs; wheel and tire sales; and all uses permitted in the CS zoning district. The bulk standards will be the same as those permitted in the CS zoning district.

Access- The property is accessed from both Old Lebanon Pike via a driveway and Lebanon Pike via a continuous curb cut along the front of the property. The continuous curb cut allows for direct access to the parking stalls in front of the building to allow easy display of cars available for sale. The plan proposes no changes to the current access. As a condition of approval, a consolidated access plan needs to be provided identifying driveway locations and eliminating the direct access to the parking stalls in front of the building.

Sidewalks- Sidewalks are required along Lebanon Pike because this property is located in an area where the Sidewalk Priority Index score is over 20.

Parking -27 parking spaces are proposed. The location of the spaces have not been included on the plan.

Concurrent Approval of the Preliminary and Final SP- The applicant has requested that this SP be approved for both a preliminary and a final plan. Section 17.40.106.G of the Zoning Code allows for concurrent approval of the preliminary and final SP where the preliminary plan approved by the Council is of such detail for a specific land use, phase, or area of development that the submittal of a final site plan would essentially duplicate the applicable portion of the approved development plan. In these cases, the executive director of the planning department may waive the submittal of a final site plan.

The SP, as submitted, does not have sufficient detail that the submittal of a final site plan would essentially duplicate the applicable portion of the approved development plan. The missing details relate to access management, sidewalks, and the reserve strip along Lebanon Pike for future right-of-way that have been requested by the Planning Department and the Public Works Department.

Staff Recommendation - Staff recommends approval with conditions of the preliminary SP but disapproval of the request to waive the requirement to submit a final site plan.

RECENT REZONINGS - None.

PUBLIC WORKS RECOMMENDATION

- The developer's construction drawings shall comply with the design regulations established by the Department of Public Works. Final design may vary based on field conditions.
- Along Lebanon Pike, label and show reserve strip for future right of way, 54 feet from centerline to property boundary, consistent with the approved major street plan (U6 - 108' ROW).
- Provide standard site plan / boundary information.
- Provide consolidated access plan / driveway locations for this property and other affected adjoining properties.
- No direct access to parking stalls from Lebanon Pike.

- Identify sidewalk requirements.

Typical Uses in Proposed Zoning District: CS

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office(710)	1.49	.198	12,851	275	37	94

Typical Uses in Proposed Zoning District: SP

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Automobile Repair()	1.49	.26	17,127	NA	51	55

Change in Traffic Between Typical Uses in Existing and Proposed Zoning District

				Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--				-	14	-39

Maximum Uses in Existing Zoning District: CS

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office(710)	1.49	.6	38,942	646	89	123

Maximum Uses in Proposed Zoning District: SP

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Automobile Repair ()	1.49	.26	17,127	NA	51	55

Change in Traffic Between Maximum Uses in Existing and Proposed Zoning District

		--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--				-	-38	-68

FIRE MARSHAL RECOMMENDATIONS- A licensed Fire sprinkler Contractor shall submit plans for review.

CONDITIONS

1. The application, including attached materials, plans, and reports submitted by the applicant and all adopted conditions of approval shall constitute the plans and regulations as required for the Specific Plan rezoning until a Final Plan is filed per the requirement listed below. Except as otherwise noted herein, the application, supplemental information and conditions of approval shall be used by the planning department and department of codes administration to determine compliance, both in the review of final site plans and issuance of permits for construction and field inspection. Deviation from these plans will require review by the Planning Commission and approval by the Metropolitan Council.

2. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations, and requirements of the CS zoning district at the effective date of this ordinance, which must be shown on the plan.
3. Prior to the issuance of any permits, confirmation of preliminary approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services.
4. Prior to the issuance of any permits, confirmation of preliminary approval of this proposal shall be forwarded to the Planning Commission by the Traffic Engineering Sections of the Metropolitan Department of Public Works for all improvements within public rights of way.
5. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access, adequate water supply for fire protection, and fire sprinkler plans must be met prior to the issuance of any building permits.
6. Minor adjustments to the site plan may be approved by the planning commission or its designee based upon final architectural, engineering or site design and actual site conditions. All adjustments shall be consistent with the principles and further the objectives of the approved plan. Adjustments shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or intensity, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
7. Within 120 days of Planning Commission approval of this preliminary SP plan, and in any event prior to any additional development applications for this property, including submission of a final SP site plan, the applicant shall provide the Planning Department with a final corrected copy of the preliminary SP plan for filing and recording with the Davidson County Register of Deeds. Failure to submit a final corrected copy of the preliminary SP plan within 120 days will void the Commission's approval and require resubmission of the plan to the Planning Commission. Sidewalks are required on Lebanon Pike.
8. There shall be no direct access from Lebanon Pike to the parking stalls in front of the building; access shall be from a driveway.
9. Provide details showing access and changes to existing conditions to control the access from Lebanon Pike.
10. Along Lebanon Pike, label and show reserve strip for future right of way, 54 feet from centerline to property boundary, consistent with the approved major street plan.
11. Identify the location of the parking spaces on the site plan.

Mr. Kleinfelter presented and stated that staff is recommending approval with conditions.

Mr. Johnny Harwell, 5341 Weber Road, spoke in favor of the proposed zone change.

Mr. Luke Barker, 2730 Lebanon Pike, spoke in favor of the proposed zone change as well as the request for a sidewalk variance.

Mr. Clifton summarized the Commission's role on this request. He then spoke of sidewalk variances in relation to this proposal. He requested clarification from staff on when sidewalks are required.

Mr. Bernhardt explained that sidewalks are required whenever there is new construction or redevelopment. He continued by stating that sidewalks are also required when the renovation increases the set value of the

property by 25%.

Mr. Clifton spoke on whether the issues at hand would warrant the sidewalk.

Mr. Bernhardt offered additional information regarding SP zoning and sidewalks.

Ms. Cummings commented that sidewalks are necessary for this proposal.

Mr. Tyler questioned whether the sidewalks were necessary due to safety issues.

Mr. Kleinfelter explained staff's recommendation for the sidewalks.

Mr. Loring spoke in favor of approving the proposal as well as granting the variance for the sidewalk. He went on to explain at length, the reasons sidewalks were not necessary for this development.

Mr. Clifton stated he did not agree that sidewalks were not necessary for this location in the future. However, he did state, that he did agree that sidewalks were not necessary for this particular development.

Ms. Cummings stated she would vote in favor of eliminating the sidewalks due to the circumstances surrounding this development.

Mr. Clifton moved and Ms. Cummings seconded the motion, which passed unanimously to approve Zone Change 2007SP-064U-14. (7-0)

Resolution No. RS2007-132

"BE IT RESOLVED by The Metropolitan Planning Commission that 2007SP-064U-14 is APPROVED WITH CONDITIONS (7-0), including the only fencing permitted shall be as shown on the SP plan, the curb shall be built to Public Works standards, and sidewalks are not required.

The proposed SP district is not inconsistent with the Donelson/Old Hickory Community Plan's Mixed Use in Community Center which is intended to promote a mixture of uses that are concentrated within a small area that creates a center of activity. The proposed use exists on the other side of the street and represents a move from one side of the street to the other and does not propose any additional auto service oriented business."